

***DRAFT SUMMARY OF SUBMISSIONS RECEIVED DURING THE CORE CONSULTATIVE COMMITTEE'S  
PUBLIC CONSULTATION OF GOVERNMENT'S PRECINCT MANAGEMENT MODEL  
AUGUST 2006***

**During the Core Consultative Committee on Waste (3C) Public Consultation of Government's Precinct Management Model, the 3C undertook to publish a draft summary of all submissions received so that those making submissions could ascertain whether the issues they raised were being taken into consideration.**

**To protect the privacy of submission writers, a unique code has been allocated to each submission. If you would like to find out your unique code please contact us (details above).**

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<b>Coordinating Group Objective</b>	<b>Summary of Stakeholder Submissions</b>	<b>Submission ID number</b>
<p>a. Allow for the creation of designated precincts and buffer zones and ensure these are protected in the long term.</p>	<ul style="list-style-type: none"> <li>• Where buffers are deemed to be necessary.</li> <li>• Buffer needs to be a minimum of 3km from the precinct boundary.</li> <li>• Legislated buffers would provide greatest protect and prevent introduction of inappropriate uses. Caveats/memorials suggested.</li> <li>• Should industry be allowed in the buffer zone?</li> <li>• Could be an EPP on precincts that would lie above ministerial conditions (relates to either new or amended legislation)</li> <li>• Need to define the initial precincts, the 3km buffer zones, essential buffer zones and apply the 3C process to establish future precincts.</li> <li>• The 3km buffer should be left undisturbed natural bush and protected; a fire break should surround the precinct; and there should be no other industries e in the buffer zone;</li> <li>• Agree with protection for the long term.</li> <li>• Buffer zones should be “site specific”</li> <li>• The “site selection criteria” appears to be “one-size-fits-all”. The buffer zones of 3km essential and 6km desirable criteria do not fit the KIP and those that live in the KIP surrounds, and would be affected should the KIP be selected as the preferred site, state most clearly and definitely that the KIP buffer zone needs to be revised to least 20km as essential.</li> <li>• Use a generic word for the total land area of precinct and buffer zone eg. <u>site</u>, and use this all-encompassing term in any land description and for future planning, to avoid possible omissions or oversights.</li> <li>• The size of the buffer zone is not mentioned in the CG paper. This point requires clarification. Is the buffer is included in the area to be purchased by the State Government as detailed in</li> </ul>	<p>30</p> <p>32</p> <p>27,34, 37</p> <p>34</p> <p>34</p> <p>28</p> <p>7, 26</p> <p>26</p> <p>26</p> <p>26</p> <p>10</p> <p>10</p>



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precincts. This is to be based on the 3C Decision Tree model.	<ul style="list-style-type: none"> <li>• Agreed.</li> <li>• Agreed with the exception of 50g exemption</li> <li>• All hazardous waste should be treated in precincts - there should not be any exceptions or exemptions.</li> <li>• Do not agree with a 50kg exemption.</li> <li>• The legislation should also prohibit landfills and incineration within precincts and their buffer zones.</li> <li>• Exemptions should not occur if the waste is to be directed to a process outside the precinct that does not comply with the 3C technology or siting criteria.</li> </ul>	<p>34 37 7, 30 25, 26  26  24  27</p>
e. Allow for a process to identify hazardous waste treatments that are unacceptable for precincts.	<ul style="list-style-type: none"> <li>• What is meant by unacceptable? This process has been gone through leading to govt decision that incineration and landfilling are unacceptable in precincts. Need to identify specific treatment technologies.</li> <li>• Future assessments of technologies must be based upon Cabinet-endorsed technology suitability criteria. Note difference between 'technology' and 'treatment', objective should include technologies</li> <li>• This provision must include precincts and buffer zones where they are required.</li> <li>• Agreed – needs to be site specific.</li> <li>• Legislation should also ensure that any proposals to establish facilities within precincts conform to the technology suitability criteria.</li> <li>• Agreed</li> <li>• Unacceptable process methods and technologies must be identified and complied with.</li> </ul>	<p>26, 27 28, 34          30, 32, 35    30  7, 26 24  25 37</p>
f. Allow for the creation of a mechanism to grant	<ul style="list-style-type: none"> <li>• Need exemptions for emergency situations which refer waste treatment off to other mechanisms.</li> </ul>	<p>28</p>

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<p>exemptions to the need to treat a waste in a precinct (under regulation).</p>	<ul style="list-style-type: none"> <li>• Concern about any provision for exemptions, strong preference for no exemptions except for specified emergency situations.</li> <li>• May be existing powers to deal with emergency situations – will need to ensure the legislative mechanisms are complementary.</li> <li>• What if it is cheaper to have a chemical spill and clean it up that way?</li> <li>• Need to road test specific case studies of need for exemption.</li> <li>• Need to clarify the definition of ‘treatment’. Should degrees of treatment be defined in legislation?</li> <li>• Who grants the exemption?</li> <li>• Objective doesn’t refer to ‘hazardous waste’ - only to ‘waste’.</li> <li>• Only acceptable exemption is treatment within the source industry.</li> <li>• There should be no exemptions.</li> <li>• The legislation should outline a process for exemption that provides for a clear obligation to articulate the case for an exemption and for it to be subjected to open public scrutiny and comment. Any decisions to grant exemptions should lie with the responsible Minister and should be accompanied by a clear justification.</li> <li>• Agree, would require government regulation and monitoring.</li> <li>• Need for exemptions for hazardous wastes better used as feed materials. Process to determine these should be similar to Environmental Impact Assessment, clear and transparent with sufficient appeal rights for all stakeholders. This process should be legislated rather than regulated.</li> <li>• New legislation must be created to allow an exemption of the compulsion to treat wastes only on Precincts where applicable and best practice, this is to facilitate the conversion ,</li> </ul>	<p>34</p> <p>32</p> <p>32</p> <p>32</p> <p>32</p> <p>32</p> <p>32</p> <p>30</p> <p>24</p> <p>25</p> <p>27</p> <p>37</p>

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	remediation and recycling of hazardous wastes in situ rather than transporting them to a precinct.	
g. Prohibit treatment of hazardous wastes in all areas of Western Australia except those defined under the 3C decision tree.	<ul style="list-style-type: none"> <li>• Hazardous waste must be treated in gazetted precincts.</li> <li>• Already covered by Objective 4? 4 is more encompassing site-specific state. Need to direct hazardous waste to precincts and ensure it can't be treated outside precincts (except by exemption for specified emergency situations). What should be the exemption process and should there be provision for appeals.</li> <li>• Need to provide penalty provisions for non-compliance.</li> <li>• Generally agreed.</li> <li>• Agreed if the 3C decision tree is amended to correct failures and limitations in hazardous waste treatment experienced to date.</li> <li>• Agreed – although needs to read “Prohibit treatment of all hazardous waste in all areas of Western Australia except those defined under the 3C decision tree <u>in a precinct</u>”</li> <li>• The meaning of objective 7 should be stated more clearly so that its purpose be understood and meaningful comment be made upon it.</li> <li>• The 3C decision tree does not define ‘areas’. This objective is not clear and suggests there should be no treatment of hazardous wastes anywhere in WA.</li> </ul>	<p>28 34</p> <p>32 25, 30, 37 7</p> <p>26</p> <p>24</p> <p>27</p>
h. Provide the Ministerial powers to set timeframes for existing treatment companies to comply with the above.	<ul style="list-style-type: none"> <li>• Needs to be a definite endpoint beyond which all hazardous waste must be treated in precincts. Some companies may be able to move earlier.</li> <li>• Need decisions to be made by a group of Ministers (eg Ministerial Council) along with representatives of local community rather than by individual Minister.</li> <li>• 3C should recommend timeframes to Cabinet for decision.</li> </ul>	<p>28</p> <p>25, 31</p> <p>34</p>

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	<ul style="list-style-type: none"> <li>• Can a decision tree be developed for determining appropriate timeframes?</li> <li>• Process should be transparent.</li> <li>• This timeframe should also be extended to hazardous waste generators.</li> <li>• Need for a sunset clause to shift – suggested 3 years. Priority for shifting current operations impinging on sensitive land use, or other land use conflict.</li> <li>• Agreed – however these ministerial powers must come from a Ministerial Council not only one minister. Should include ministers from the region in which the precinct is sited along with those holding portfolios that are relevant to the impact that such a HTWTF would have on the surrounding community(ies) (i.e. Environment, Health, Water resources, Indigenous Affairs, Energy, Science &amp; Innovation).</li> <li>• Agreed</li> <li>• Decisions on timeframes should be agreed by Cabinet and not by an individual Minister.</li> </ul>	<p>32</p> <p>32</p> <p>30</p> <p>24,30, 35, 37</p> <p>26</p> <p>7, 27, 37</p> <p>24</p>
<b>Other comments</b>	<ul style="list-style-type: none"> <li>• Decision tree notes 8 and 9 – viability should be technical not financial.</li> <li>• Paper needs to clarify the role of local government.</li> <li>• Needs more details about emergency services procedures.</li> <li>• Need to consider transport routes and risks.</li> <li>• Need to expand section on health and safety to include emergency response.</li> <li>• Precincts need fortnightly inspections by independent auditors plus public reports.</li> <li>• GHD Report should be made public.</li> <li>• EPR should be promoted through factoring in the cost of treatment to the cost of the product. Legislate for this.</li> </ul>	<p>28</p> <p>29</p> <p>29</p> <p>29</p> <p>32</p> <p>30</p> <p>30, 37</p> <p>35</p>

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	<ul style="list-style-type: none"> <li>• Mechanisms for retail collection points for hazardous waste such as batteries, pesticides, paints.</li> <li>• Disappointed that no CCI representation at 3C workshop and register strong protest regarding CCI submission which sets out to torpedo and scuttle the 3C process in its final stages, in a manner that in no way reflects their views aired over the last three years.</li> <li>• All precinct operators should be required to deposit a monetary bond with the licensing authority sufficient to cover decommissioning costs. In the event of a polluting incident these funds will be used to finance the clean up. The bond value must then be re-established before the company resumes business.</li> <li>• The discussion paper is too broad and vague to be of any use as a basis for comment.</li> <li>• Providing fire hydrants should be included in paragraph 5.2 "provision of Services".</li> <li>• Availability and reliability of offsite services to supplement on-site precinct services are not considered in the paper. Some sites are in isolated locations and local infrastructure have limitations.</li> <li>• The 3C process shows that legislation is required to ensure: definition of hazardous waste based on the EU Directive and Catalogue, create designated hazardous waste treatment precincts using site selection and technology suitability criteria, hazardous waste is treated in precincts, effective community monitoring committees, protection of buffer zones, prohibition of incineration and landfills within precincts and their buffer zones. The CG's discussion paper gives us no confidence that this will happen.</li> </ul>	<p>35</p> <p>35</p> <p>35</p> <p>4</p> <p>11</p> <p>11</p> <p>19</p>

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	<ul style="list-style-type: none"> <li>• We understand the 3C has received a clear message from communities statewide that new stand-alone legislation is necessary. The CG's discussion paper left us wondering if the Government is taking community concerns and input seriously.</li> <li>• To gain any public confidence all proposals outlined in the 3C's draft response to the CG's discussion paper and presented in the recent round of public workshops should be legislated.</li> <li>• The GHD economic analysis mentioned in the Coordinating Group's discussion paper should be made publicly available as soon as possible. Failure to do would mock the openness with of the 3C process.</li> <li>• Any new hazardous waste precinct should be assessed at a minimum of PER level to maintain a satisfactory level of community involvement in such a controversial issue.</li> <li>• The CG paper gives almost no information. Was it written with the intention of damaging the 3C process? The paper has increased community concern over future hazardous regulation in WA.</li> <li>• Gaps between the existing regulatory framework and the framework needed give effect to Government decisions in response to 3C recommendations are more than those "required to give effect to the draft 3C definition of hazardous waste and associated decision tree". Additional factors include: the site selection and technology suitability criteria, and prohibiting of landfilling and incineration within precincts and their buffer zones. New state processes and standards to be met in developing precincts need be defining.</li> <li>• The Terms of Reference for the GHD study be made publicly available immediately. That the full report be made available as soon as possible, after removing any genuinely</li> </ul>	<p>19</p> <p>19</p> <p>19,23</p> <p>23</p> <p>24</p> <p>24</p> <p>24</p>

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	<p>commercially-confidential information.</p> <ul style="list-style-type: none"> <li>• The CG should acknowledge, in line with Cabinet decisions, legislation is required to create designated precincts, protect buffers and ensure hazardous waste is treated in precincts.</li> <li>• The core 3C recommendations with respect to establishing precincts in the three major waste-generating regions (South West, Pilbara and Goldfields), protecting essential buffers, defining hazardous waste, directing hazardous wastes to precincts, the site selection and technology suitability criteria, prohibiting incineration and landfills within precincts and buffer zones, and community monitoring committees be enshrined in new legislation.</li> <li>• Precincts should be assessed at least PER level. Individual processes/ treatments in the precinct would not require this level of assessment, provided they comply with the technology criteria, but it would should provide feedback to interested parties/individuals providing input to the assessment process.</li> <li>• Site acquisition model – noting ‘enforceable conditions’ will apply to treaters in precincts. Does this mean current waste treaters have non-enforceable conditions placed on them?</li> <li>• The Department of Environment is not the most appropriate authority to develop suitable operating guidelines. Guidelines should be mirrored from existing guidelines from other jurisdictions (EU, USEPA etc).</li> <li>• The discussion paper is silent on community monitoring committees. These committees should be enshrined in legislation. Should be made up of voting community members, empowered to invite non-voting representatives from local government, unions, precinct operators and relevant government departments. Resourcing should come from</li> </ul>	<p>24</p> <p>24</p> <p>27</p> <p>27</p> <p>27</p> <p>27</p>

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	<p>government. Members should be elected by community but appointed by the Minister for a suitable term.</p> <ul style="list-style-type: none"> <li>• Discussion document lacks detail and fails to address or support many of the fundamental, negotiated outcomes of the 3C process to date.</li> <li>• Require legislative timeframes for existing waste treatment companies to comply (3 years at most). Provide strong penalties if non-compliant.</li> <li>• The discussion paper effectively promotes the <i>status quo</i> to regulate precincts. Part IV and V of the EP Act are deemed to be sufficient legislative and regulatory options. These provisions are currently failing due to unenforceable licence conditions, and an endemic DoE culture of non-enforcement of regulations.</li> <li>• The new Act could create a small independent regulatory task force to enforceably regulate precincts, including powers to close precincts where the environment and human health are at immediate risk.</li> <li>• Bridle report on EU Best available techniques should give guidance for drafting licences for precincts. His report on control of evaporation ponds should be the standard for any precinct evaporation ponds.</li> <li>• Lease must include a clause for cancellation of the lease if the lessee operates irresponsibly.</li> <li>• Would an irresponsible lessee be permitted to operate until their current "long term lease" (see 4.2) expires, despite ongoing failure to adhere to regulations or will that lease be truncated and cancelled? Will this potential clause be part of the new legislation?</li> <li>• Extensive reporting conditions are imperative. Government</li> </ul>	<p>2</p> <p>36</p> <p>36</p> <p>36</p> <p>3</p> <p>13</p> <p>13</p>

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	<p>laboratories must perform analyses of air pollutants at operators' expense. This practice would reduce potential for a conflict of interest as private companies are reluctant to "dob in" clients. Regulators should conduct inspections unannounced and "safe" limits on all hazardous emissions should be an automatic part of the "Conditions of Licence". The "wait and see" current practice is unacceptable and results in many unnecessary Appeals, delays of updated licences and continuing pollution at dangerous levels!</p> <ul style="list-style-type: none"> <li>• All substances potentially containing hazardous compounds, must be thoroughly tested on site, prior to their removal, treatment, destruction or beneficial use. The chemical analyses must be performed by government chemical laboratories. Stockpiles must only remain on site for a minimum duration and must be protected from wind dispersions.</li> <li>• Best available technology should be adopted by precinct companies. Sunset clause should prevent ongoing use of outdated technology.</li> </ul>	<p>13</p> <p>13</p> <p>37</p>

<b>3Cs initial views – objectives that should be enshrined in legislation</b>	<b>Summary of stakeholder submissions</b>	<b>Submission ID number</b>
<p>a. The protection of the three kilometre buffer from sensitive land uses.</p>	<ul style="list-style-type: none"> <li>• Agreed need to define buffer and sensitive land uses in legislation.</li> <li>• Government could choose to ban other things in the buffer.</li> <li>• Should be protection of 6km buffer, and there is a view that there should be 20km buffer in legislation. No activity (and</li> </ul>	<p>8, 21,22, 23, 24, 25, 26, 28, 32, 34, 35, 36</p> <p>29</p> <p>25, 31</p>

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	<p>particularly not high hazard industry) wanted in buffer, though already dealing with an in place buffer in Kemerton.</p> <ul style="list-style-type: none"> <li>• Can legislation contain site specific criteria?</li> <li>• Concerns about definition of sensitive land use. View that buffers confiscate land. Concern about impacts on land valuation. Need to outline steps that developer would take to protect buffer zone. Need for compensation for creation of adverse effects from creation of buffers.</li> <li>• Majority meeting view that a legislated 3km buffer is not needed.</li> <li>• The buffer and sensitive land use definition should more accurately reflect the workshop attendees' comments.</li> <li>• The sensitive land use definition is based on a DPI model for urban areas and does not fit rural situations. Farming should be defined as 'essential use'</li> <li>• To state that a 3km buffer is not required ignores rural constraints.</li> <li>• It also is not an issue should a CCI recommended site at Kwinana or other metro sites be factored in for consideration.</li> <li>• Question of adequacy of 3km buffer zone.</li> <li>• Caveats on land holdings within buffer can prevent establishment of sensitive land uses.</li> <li>• Government could own the buffer to restrict land use conflict.</li> <li>• No new living accommodation within the buffer zone.</li> <li>• Landcorp not to control buffer – conflict of interest</li> <li>• The 3km buffer should be left as undisturbed natural bush and protected as such.</li> <li>• A 200metre fire break should surround the precinct.</li> <li>• No other industries should locate in the buffer area.</li> <li>• The footprint of the precinct and therefore the buffer will never change.</li> </ul>	<p>31</p> <p>30</p> <p>30</p> <p>1, 2, 6</p> <p>1, 2, 6</p> <p>1,2,6</p> <p>1,2,6</p> <p>35</p> <p>10,35</p> <p>33</p> <p>33</p> <p>5</p> <p>7</p> <p>7</p> <p>7,26</p> <p>7,25,26</p> <p>10</p>
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	<ul style="list-style-type: none"> <li>• Caveats placed on titles should be positively worded.</li> </ul>	
b. The exclusion of incineration and landfilling from within precincts and their buffers.	<ul style="list-style-type: none"> <li>• Agreed that landfilling and incineration should be prohibited in precincts and their buffers.</li> <li>• Agreement to prohibit incineration in precincts and buffers and landfilling in precincts. Two views within group on acceptability of landfilling in buffers. Need adequate legislation to bring contaminated soils to precinct. Vote: landfilling of treated waste (not above Class 2) from precinct in buffer 7 yes (provided Shire owns and manages it), 1 abstention.</li> <li>• No landfill or incineration in Kemerton Industrial Park at all.</li> </ul>	8, 22, 23, 24, 25, 26, 29, 30, 31, 32, 33, 34, 35, 36,37 28  5
c. Defining hazardous wastes in accordance with the European Hazardous Waste Directive and Hazardous Waste Catalogue.	<ul style="list-style-type: none"> <li>• Agreed should be in legislation</li> <li>• General agreement. Must ensure that hazardous waste is not stored on site after treatment.</li> <li>• General support for set of criteria in legislation calling up a schedule that can be amended as new substances/information become available.</li> <li>• Supported - for agreement with locals and Shire with respect to Kemerton, in view of proximity of residents including children.</li> </ul>	22, 23, 24, 28, 32, 33, 34, 35, 36 29  30  5
d. Requiring hazardous waste to be treated in precincts (within Decision Tree Framework)	<ul style="list-style-type: none"> <li>• Agreed</li> <li>• Agreed – needs substantial penalties to support this provision.</li> <li>• Strong regulation and strong penalties needed for non-compliance.</li> <li>• Agreed – noting that the decision tree has preference for treatment of waste on generators' sites under cleaner production principle. View that there should be no mass limit for exemption for waste to go to precinct.</li> <li>• Agreed with process to reduce hazard prior to transport</li> <li>• Need incentives for decision tree preference for onsite treatment by generators, perhaps a waste tax</li> <li>• Agreed, but need to avoid perverse outcomes such as</li> </ul>	8, 9, 22, 23, 24, 31, 32, 33, 34, 36 9, 28 29  31  30 7, 26, 30  35

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	<p>preventing hazardous wastes being sent to another company for recycling.</p> <ul style="list-style-type: none"> <li>• Need to define treatment as well as hazardous waste in legislation.</li> <li>• Who decides on exemptions? Needs a formal application that is open to public scrutiny and comment, including public scrutiny and comments on Agency assessment.</li> <li>• Should be no 50kg exemption.</li> <li>• Precincts should have a defined daily maximum quantity of waste. If the defined limit is reached deliveries should cease until processing has created enough room.</li> <li>• Comments on the decision tree: <i>Note 3</i> - The use/reuse application is basically an exemption for some hazardous waste <i>Note 5</i> creates the possibility of a business being set up, to offer cheaper treatment of some waste eg hydrocarbon contaminated soils, than precincts. These soils, once treated, could be used soil improver, say, thus meeting use/reuse application. <i>Note 8</i> - Inorganic contaminated sludges can be disposed of to landfill etc. - add provided they are class 2. Viable treatment options needs more definition – should not be based on economic viability but availability of technology <i>Note 9</i> is very loose. There needs to be no preferences as to if hazardous waste is treated in a precinct or not, it needs to be a legislative requirement. <i>Note 10</i> also has exemptions! How many loads of 50kg could you dump before it became a problem?</li> <li>• Existing waste treatment companies should be subject to rigorous compliance and be given a reasonable timeframe to comply with the new legislation.</li> </ul>	<p>35</p> <p>35</p> <p>7</p> <p>26</p> <p>7, 26</p> <p>9</p> <p>21</p>
<p>e. The Technology Suitability Criteria for facilities treating hazardous waste</p>	<ul style="list-style-type: none"> <li>• Agreed</li> <li>• Agreed, with amendments over time with new information.</li> <li>• Industry be given a time to improve their systems as new technological standards become available.</li> </ul>	<p>8, 22, 23, 28,29, 30, 32, 33, 34, 35, 36</p> <p>31, 26</p> <p>31</p>

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	<ul style="list-style-type: none"> <li>• If new and improved processes are developed treatment facilities should be required within a set time to adopt them.</li> <li>• Strong focus must be on elimination rather than minimising</li> </ul>	7, 26 26
f. The Site Selection Criteria to apply to any future precincts	<ul style="list-style-type: none"> <li>• Agreed</li> <li>• General support to use updated criteria (based on existing) for future precincts.</li> <li>• Agreed – but need to amend over time with new information and standards.</li> <li>• Site selection should be based on broad public consultation including public agreement on site selection criteria.</li> <li>• Yes, with potential to upgrade over time in the light of new information or experience.</li> <li>• The selection criteria should be amended to provide: <ol style="list-style-type: none"> <li>1. 6km essential buffer.</li> <li>2. Not within 6km of wetlands or high groundwater table.</li> <li>3. Not within an area where transport routes pose a contamination threat to sensitive environments or land use.</li> <li>4. Not within 20km of communities of 2000 or more people.</li> </ol> </li> <li>• Legislative backing be provided for the use of the existing site selection criteria as a starting point for selection of any future precincts. The legislation should provide for an open participatory process for modifying the criteria based upon experience.</li> </ul>	7, 8, 22, 23, 26, 32, 34, 35, 36 28 26, 31 30 33 7, 26 24
g. The requirement for a community monitoring committee (but not composition or detailed terms of reference)	<ul style="list-style-type: none"> <li>• Agreed</li> <li>• Need for online monitoring. Who monitors and reported how? Committee needs access to all monitoring data, provided with sitting fees and funds for independent (not Government) auditing (both programmed and random).</li> <li>• Needs proper resourcing. Explore role of monitoring committees in physically monitoring emissions. What is power of committee in emergency situations. Need to link adverse monitoring results to automatic shutdown. Committee needs to</li> </ul>	7, 20, 22, 23, 25, 26, 28, 29, 31, 35, 36, 37 28 29

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	<p>have one stop shop to deal with in Government about all matters related to precinct</p> <ul style="list-style-type: none"> <li>• Committee must have unfettered access to site and documents and be able to provide direct advice to Minister/Ministerial Council.</li> <li>• The committee should comprise community-based stakeholders; state government and industry involvement should only be advisory/non-voting. Need for adequate independent resourcing, ie not reliant on government administrative support. Any local government representatives should be elected members. Some concern expressed over whether local government representatives could have conflicts of interest.</li> <li>• Need for external monitoring rather than just industry self-monitoring.</li> <li>• Community representation needed on any monitoring committees.</li> <li>• Committees to be funded under legislation, commensurate with the requirements of the ToR.</li> <li>• Committees to have access to consultancy advice on monitoring and technical issues arising. Needs access to the precinct and to monitoring records and provide advice on regulatory compliance. A reporting structure required (to whom?). Who will be custodian of monitoring records? The monitoring reports should be covered by the State Records Act for preservation.</li> <li>• Sitting fees and resourcing for independent advice are essential(advisors chosen by the committee)</li> <li>• Would this allow for sufficient expertise? Resources could be made available to access independent expertise. Needs MoU for provision of resources – State Government should provide primary resource assistance, including for periodic independent</li> </ul>	<p>25, 31</p> <p>34</p> <p>34</p> <p>30, 32</p> <p>26, 30</p> <p>30</p> <p>35</p> <p>33</p>
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	<p>audits of some aspect of precinct operation (perhaps 2 a year)</p> <ul style="list-style-type: none"> <li>• The responsible agency should also be subject to FOI compliance.</li> <li>• Committee should have local people on it and be able to stop/close down plant in the event of spills, accidents, pollution harm to environment or housing values or any other ill effect. There should be direct access with the power to halt plant until concerns investigated.</li> <li>• Committee selected by the community. Must have unrestricted access to precinct and all documentation as well pollution monitoring information.</li> <li>• Local community representatives should not be limited to 3 members. Members of active environmental/ratepayer groups should be amply represented and all members should be appointed voluntarily. Terms of reference should specify the voting rights of each member. There should be open channels of communication to avoid out-voting and trivialization of concerns by a minority vote.</li> <li>• Committee should have input to the management of precincts on an ongoing and effective basis.</li> <li>• Committee must be able to call on expert advice in times of otherwise unresolvable dispute/or misunderstanding, including– that is to be able to call upon independent expert scientific or legal representation, at the cost of the industry/government funding (to be determined).</li> <li>• Unrestricted access to documents and monitoring systems also includes transportation of wastes to a precinct and records of any onsite emergency response team.</li> <li>• Committee should be resourced and ministerially appointed while determining its own composition.</li> </ul>	<p>6</p> <p>5</p> <p>7, 25, 26</p> <p>12</p> <p>20</p> <p>26</p> <p>26</p> <p>36</p>
<p>h. Need mechanisms to ensure all hazardous</p>	<ul style="list-style-type: none"> <li>• Agreed</li> <li>• How will it work? Probably through amendments to Planning</li> </ul>	<p>7, 24, 26, 30, 32, 34, 35</p> <p>32</p>

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<p>waste treatment proposals are referred to the appropriate Decision Making Authority.</p>	<p>Act or EPA filter notices etc.</p> <ul style="list-style-type: none"> <li>• Should apply retrospectively to operations found to be treating hazardous waste outside precincts.</li> <li>• Should apply to any proposals to establish sensitive uses in buffers - could require any proposal for development in buffers to be referred to Landcorp.</li> <li>• Need stringent enforcement and penalties for failure to declare intent to treat hazwaste outside precincts to relevant DMAs.</li> <li>• Need provisions covering change of ownership of businesses treating hazardous waste. Need for premises moving to precincts to clean up their existing sites.</li> <li>• Residents must be involved with this.</li> </ul>	<p>30</p> <p>35</p> <p>35</p> <p>33</p> <p>5</p>
<p>i. Other issues raised</p>	<ul style="list-style-type: none"> <li>• Water gathered from the site and used for farming uses.</li> <li>• Export and imports of hazardous wastes are controlled under Commonwealth Hazardous Waste Act.</li> <li>• Want a limit on a maximum amount of waste that can be accommodated in a precinct.</li> <li>• Want properly funded baseline and ongoing monitoring of people living around precincts.</li> <li>• Comments made in Bunbury meeting should not be taken as an endorsement of a Kemerton precinct.</li> <li>• Also soil, water and air monitoring – placement of financial bonds.</li> <li>• Compensation for loss of property value.</li> <li>• Aquaterra report should be made public.</li> <li>• Need an Authority given the power to administer the Act. Need more clout and enforcement in Act to make it work properly.</li> <li>• Need maximum level of assessment each time an industry goes into precinct.</li> <li>• Need for public consultation under planning and structure part</li> </ul>	<p>29</p> <p>7,31</p> <p>7, 31</p> <p>7, 31</p> <p>7, 31</p> <p>7, 31</p> <p>7,31</p> <p>7, 31</p> <p>7, 31</p> <p>7, 31</p> <p>7, 31</p>

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	<p>of government discussion paper.</p> <ul style="list-style-type: none"> <li>• Need to limit the size of precinct footprint within legislation.</li> <li>• Use 'prevent' rather than 'mitigate'.</li> <li>• Need for <i>onsite</i> emergency response by law and require companies to report accidents immediately.</li> <li>• All precinct areas handling any waste liquid or solid must be ground underlined with clay-covered nylon – plastic or other liquid proof or heavy gauge material commencing at the receival gates through all projects plus the total pond area and 10 metres outside that perimeter. Underneath all this a close-meshed safety ongoing alarm system.</li> <li>• Stand alone Act may receive more community support and highlight the issue.</li> <li>• Might work better as a one stop shop</li> <li>• Industry could find it easier to comply with the new laws if it is in a discrete Act</li> <li>• The model should be decided prior to siting process.</li> <li>• Concern about financial issues taking precedence over other important matters.</li> <li>• Suggest pre-treatment of waste before transporting to a precinct, or in double-sealed or greater containers. Possible role of transfer stations.</li> <li>• Incentives for engaging in research into better technologies for waste prevention/treatment.</li> <li>• Need careful and timely closure management of existing premises that would have to relocate to a precinct (using previous lessons learnt eg Brookdale)</li> <li>• Concern that transport of hazardous and /or toxic waste for treatment is adequately covered by existing transport or freight regulations, eg, driver training, placarding of trucks, restrictions on routes</li> <li>• No storage on site should be allowed.</li> </ul>	<p>7, 31 31 31  7, 25, 26, 31  32 32 32 30 6, 30 6, 30  30  3 6  5</p>
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	<ul style="list-style-type: none"> <li>• Monitoring of local residents health prior to the plant starting, thorough baseline of heavy metal levels in residents within 10km radius of plant, then regular follow up levels and review, to compare with the safe levels, such levels to be agreed prior to plant starting. If adverse findings then immediate cessation of plant operations and closure if irreversible.</li> <li>• All companies siting at a hazardous waste precinct should be required to deposit a monetary bond with the licensing authority equivalent to the value of the decommissioning cost for that company. In the event of a polluting incident these funds will be used to finance the clean up. The bond value must then be re-established before the company resumes business</li> <li>• Precincts will be required to have an emergency response team to deal with pollution incidents by law. Companies operating in precincts will report accidents of any nature immediately as a condition of their operating licence and assessment of the incident will be by an independent authority. The same will apply to companies which transport waste.</li> <li>• The Draft Decision Making Tree, would present better if:             <ul style="list-style-type: none"> <li>I. it flowed from left to right</li> <li>II. it was numbered at each level, and sub sections/ boxes carried letters a,b,c</li> <li>III. an entry or referral point was numbered 1. then continue with existing tree.</li> <li>IV. Highlight yes/no.</li> <li>V. Introduce a highlighted box for Exemptions. This should be placed around level 5( if 1. is a referral point).Indicate a new flow system to include either an EIS and/or an Appeal process . If rejected i.e. No, then it returns to the Tree if accepted i.e. Yes, then it leaves the system.</li> </ul> </li> <li>• No further precincts are ever to be created within 30km of</li> </ul>	<p>5</p> <p>7</p> <p>7</p> <p>10</p> <p>25</p>
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	<p>original site.</p> <ul style="list-style-type: none"> <li>• A pre determined bond should be paid by any companies in a precinct to cover misadventure/ spillage.</li> <li>• No waste should be allowed to enter a precinct unless it can be totally eliminated.</li> <li>• Precincts should have animal proof fencing, ponds to be fenced at their perimeters with small mesh to prevent small animals entering, and all pond surfaces must be totally netted.</li> <li>• Emissions – zero tolerance at residential areas.</li> <li>• A daily maximum of waste for treatment to be established.</li> <li>• Governments need to guarantee compensation for death or health deterioration as a result of emissions, and also for devaluation of homes near the site.</li> <li>• Immediate compulsory reporting of incidents and accidents. Independent experts must be employed to assess any incident and report the relevant authorities and the community committee. Companies also need to self-assess their part in the incident and subsequent clean-up and what areas they feel their procedures need revision and improvement. Round table discussion needs to take place between the offending company, the independent expert and the Ministerial Council (which has community committee members) to discuss all findings, outcomes and future improvements.</li> <li>• All companies transporting waste to the precinct will also be expected to conform to the above regulations re: spillage/accidents. They will be responsible for cleanup costs etc... and their self-monitoring reports must be available to the community committee on demand. They will also come under the scrutiny of an independent expert on hazardous accidents. Round table discussion may also be required here.</li> <li>• No high hazard industry should be allowed to set up near a precinct that is not compatible with the precinct treatments.</li> </ul>	<p>25</p> <p>25</p> <p>25</p> <p>25</p> <p>25, 26</p> <p>25</p> <p>26</p> <p>26</p> <p>26</p>
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**SUBMMARY OF SUBMISSIONS - LEGISLATION OPTIONS**

<b>Primarily based on new legislation?</b>	<b>Submission ID number</b>	<b>Primarily based on amended legislation?</b>	<b>Submission ID number</b>	<b>Other</b>	<b>Submission ID number</b>
<ul style="list-style-type: none"> <li>• Stand alone legislation supported.</li> <li>• Should be specific legislation which needs to define the initial 3 precincts and their buffers, and the process to establish any future precincts</li> <li>• Should be a new Act. Need for a strong watchdog, reporting to Parliament rather than Minister.</li> <li>• Majority support for new legislation backed by proper resourcing.</li> <li>• Concern that current legislation is often unenforceable.</li> <li>• Tinkering with existing legislation with its flawed history of implementation with respect to hazardous waste management would be totally inadequate.</li> <li>• New legislation should be</li> </ul>	<p>7, 8, 9, 12, 21, 22, 23, 26, 27, 29, 31, 36</p> <p>8, 28</p> <p>34</p> <p>33</p> <p>35</p> <p>22</p> <p>26</p>			<ul style="list-style-type: none"> <li>• As long as the objectives are fulfilled in a timely matter then either can be used.</li> </ul>	30

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<p>developed properly rather than quickly.</p> <ul style="list-style-type: none"> <li>The new Act should have its own statutory body to administer it. Resourced from various departments that regulate hazardous waste. Needs specialist resources to adequately monitor and regulate precincts.</li> <li>Concern over flexibility of decisions under the current regulatory regime.</li> </ul>	<p>27</p> <p>34</p>				
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<b>OTHER ISSUES</b>	<b>Submission ID number</b>
Concern about environmental department culture – view that they are too close to industry and this inhibits enforcement.	34
Suggestion that environmental health be moved from DoH to DEC.	33
Suggested <i>independent</i> assessment of waste, eg by Govt Chem labs	34
Records of waste accepted at facilities should be publicly available	34
Suggested that residues be stored in discrete cells for potential retrieval	34
Conditions on licences – need to impose limits	34
Participation at Northam meeting should not be construed as endorsement of the Avon Industrial Park as a hazwaste precinct as the site is opposed by those present.	1,2 30
Concern expressed re DoE/EPA regulation of facilities, need for non-vested interest community oversight.	35
Need good and transparent accounting of anything that goes into a waste facility.	35
Landcorp should not be the manager of precincts due to felt conflict of interest.	26, 31
There is not a mechanism that allows for the halting of the 3C process to revisit or redirect the process where inequality and inconsistencies exist/arise or problems come to the fore through local knowledge.	26
An unbiased environmental study is urgently required for present and future precincts (flora, fauna and local residents) within emission. odour and drinking water distance of the precinct.	25
It has long been promised that the Controlled Waste Tracking System (CWTS) would enable the DoE to track and direct waste to its intended treatment facility. Data from this system would become available through the 3C to enable community to develop an understanding of the magnitude of hazardous waste generation in WA. There has not been much information forthcoming. Recent media reports say that the system does not necessarily provide accurate data on waste movements. Request that the Coordinating Group thoroughly and rapidly investigate and report on current efficacy the CWTS. The CWTS should be audited.	27